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Held at Headquarters, New York, on Wednesday, 14 December 2005, at 10 a.m.

Chairman: Mr. Saizonou (Vice-Chairman) (Benin)
Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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In the absence of Mr. Ashe (Antigua and Barbuda), Mr. Saizonou (Benin), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 124: Proposed programme budget for the biennium 2006-2007 (*continued*)

Agenda item 136: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

2005 World Summit Outcome

Revised estimates to the proposed programme budget for the biennium 2006-2007 under sections 1, 2, 3, 11, 16, 23, 28A, 28C, 28D, 28E, 28F and 29 (A/60/7/Add.13 and Corr.1 and A/60/537)

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Agenda item 124: Proposed programme budget for the biennium 2006-2007 (*continued*)

Section 29: Office of Internal Oversight Services (A/60/7/Add.14)

1. **Mr. Sach** (Controller), introducing the Secretary-General's report on the World Summit Outcome, revised estimates to the proposed programme budget for the biennium 2006-2007 under the relevant sections and to the support account for peacekeeping operations, contained in document A/60/537, recalled that a statement of the related programme budget implications had previously been submitted to the General Assembly in document A/60/355, in connection with the adoption of its resolution 60/1 entitled "2005 World Summit Outcome".

2. At that time, the Assembly had been informed that it would receive a detailed statement of programme budget implications for consideration in the context of the proposed programme budget for the biennium 2006-2007 and the support account. The Assembly had also been informed that the estimated total requirements arising from the draft resolution were approximately $80 million. The revised estimates currently before the Committee set forth in detail the changes that would need to be made to the proposed programme budget for the biennium 2006-2007, as presented in A/60/6, as well as to the support account for the period 1 July 2005 to 30 June 2006, in order to implement the actions foreseen in General Assembly resolution 60/1.

3. The revised estimates did not include changes or resource requirements for actions that would require further study or of which the Assembly remained seized, including the Human Rights Council, the Peacebuilding Commission and recommendations arising from reviews relating to oversight and to the work of the Department of Economic and Social Affairs. Overall resource requirements arising from the 2005 World Summit Outcome were currently estimated at $75.4 million, comprising an increase of $73.3 million under the regular budget for the biennium 2006-2007, including the addition of 200 new posts, and of $2.1 million under the peacekeeping support account for the period 1 January to 30 June 2006, including the addition of 27 new posts.

4. The breakdown of the additional requirements by budget sections was summarized in chapter IV of the report. With respect to the peacekeeping support account, the 2005 World Summit had endorsed the creation of an initial operating capability for a standing police capacity. The proposed additional requirements for that capacity were estimated at $2.1 million, providing for an additional 27 posts, including 25 Professional and 2 General Service posts, as set forth in table 47 of the report. The revised estimates before the Committee comprehensively addressed resource requirements on the basis of all information currently available. Requirements for the issues still under consideration by the Assembly would be sought in due course.

5. **Mr. Saha** (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ)) said that the Secretary-General's report was marked by a number of shortcomings, which, though understandable in view of time constraints, had made the Advisory Committee's task difficult. The subsequent issuance of a related report (A/60/568) had further complicated its work. Once again, a piecemeal approach was being taken to an important issue, since at least some of the implications of the Summit Outcome required further consideration by intergovernmental bodies and/or further review or elaboration by the Secretariat. As the Advisory

Committee had stated many times, the consideration of multiple reports on the same subject made it extremely difficult to determine a clear path forward.

6. The revised estimates submitted by the Secretary-General could not be considered as comprehensive, and the Secretary-General should be requested to prepare a follow-up report for submission to the General Assembly as soon as possible, and not later than the conclusion of the main part of the Assembly's sixty-first session. The report should provide a comprehensive analysis of the resources necessary to implement the actions mandated by the 2005 World Summit in the light of any subsequent decisions taken by the Assembly.

7. Regrettably, the estimates given in the report lacked convincing evidence that efforts had been made to accommodate new and expanded mandates through a redeployment of resources. The calculation of additional requirements should have taken fully into account the potential for carrying out new or different tasks and activities without requesting additional resources. That potential should have been analysed, even on the basis of existing mandates and prior to the review of all mandates older than five years mentioned in paragraph 160 of the Secretary-General's report.

8. Another major issue was the question of the use of the contingency fund. General Assembly resolutions 41/213 and 42/211 were landmarks in the planning, programming and budgeting governance of the Organization, and had stood the test of time. Under the circumstances, options for dealing with the issue should have been thoroughly analysed. As mentioned in the conclusion of the Advisory Committee's report (A/60/7/Add.13), the General Assembly might wish to decide that procedures for the use and operation of the contingency fund should be strictly applied, without exception. In that case, the Assembly would have to provide guidance to the Secretary-General on how the provisions governing the contingency fund should be applied. Alternatively, the Assembly might decide, as proposed by the Secretary-General, that revised estimates resulting from the Summit Outcome should be considered outside the established procedures for the use and operation of the contingency fund. In that event, it should be specifically stipulated that a precedent would not thereby be created for the consideration of the financial implications of future legislative actions.

9. Chapter II of the Advisory Committee's report contained detailed observations and recommendations on the revised estimates, by budget section. In keeping with past practice and rule 157 of the General Assembly's rules of procedure, the Advisory Committee had decided that the Secretary-General's report required the same in-depth, line-by-line examination traditionally accorded to the programme budget itself.

10. There were a number of major proposals under budget section 1, the first of which concerned the establishment of an ethics office. The relevant recommendations and observations had been made on the understanding that they might be subject to further review and revision in the light of any action that might be taken by the General Assembly on the Secretary-General's proposals contained in document A/60/568.

11. The requirement of ethical conduct should have been evident since the Secretariat's inception. The leadership and direction provided by the Secretary-General and his responsibilities under the Charter of the United Nations for the administration of the staff, as well as the obligations assumed by staff when they took their oaths of office, made adherence to strict ethical conduct obligatory. The Advisory Committee's recommendations on staffing and other requirements for an ethics office took into account the Secretary-General's primacy in that area, the considerable efforts already being made by existing Secretariat units, the fact that much of the office's workload would initially be outsourced and the fact that it was not yet possible to predict that workload.

12. Resource requirements for the independent oversight advisory committee should not be considered until the General Assembly had taken decisions on issues such as the committee's mandate and composition, the process to be used for selecting its experts and the qualifications required of the experts.

13. Under budget section 2, the Secretary-General proposed additional resources of more than $7 million for conference management. In that connection, the Advisory Committee proposed that the General Assembly should either defer consideration of the amount and request a resubmission based on any future decisions it might take on the establishment of the Peacebuilding Commission and the Human Rights Council, or decide that such additional resources as

might be necessary should be reflected in the relevant performance report(s) for the biennium 2006-2007.

14. With respect to the proposals under section 3, the concept behind the establishment of a mediation support unit should be further developed, taking into account overall capacity in the Secretariat. The Advisory Committee's recommendations on posts reflected that view. As the General Assembly had not yet concluded negotiations on arrangements for the Peacebuilding Commission, it should defer consideration of related resource requirements until a statement of programme budget implications had been issued.

15. The Advisory Committee would have been helped in its consideration of proposals under section 11 if a comprehensive system-wide plan had been elaborated reflecting all elements of paragraph 68 of the Summit Outcome. The Secretary-General's proposals under section 16 were affected by the fact that he intended to submit proposals to the General Assembly and the Security Council by early 2006 to strengthen the capacity of the United Nations system to assist States in combating terrorism and to enhance the coordination of related United Nations activities. Accordingly, the Advisory Committee had recommended that the Assembly should defer consideration of the new posts proposed for the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC).

16. Under section 23, Human rights, the Secretary-General proposed an additional $24.2 million, including 93 new posts. The Advisory Committee recommended the establishment of most of the posts requested, with the major exception of the Assistant Secretary-General post in the New York office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and four posts for the *Global Human Rights Report*, the concept for which had not, in the Advisory Committee's view, been adequately set out.

17. As to the various proposals under section 28, it would be prudent to await the results of a comprehensive review of governance arrangements before establishing an office of fraud prevention. The Advisory Committee did not recommend approval of the request for more than $500,000 for the ethics training programme, under section 28C, and requested that the matter should be included and further elaborated upon in the requested comprehensive follow-up report.

18. The reductions recommended by the Advisory Committee under sections 28, subsections D, E and F, were consequential to other recommendations for reductions in staff. For the reasons given in paragraph 64 of its report, the Advisory Committee recommended that requirements for the standing police capacity should be reflected in the proposed budget for the support account for 2006/07.

19. If accepted by the Fifth Committee, the recommendations set out in the Advisory Committee's report would result in a total reduction of $25.5 million gross from the additional $73.4 million proposed by the Secretary-General, including the related impact on operational and other non-staff costs in addition to the specific recommendations on non-staff costs.

20. The Advisory Committee was treating estimates for the Office of Internal Oversight Services (OIOS) separately, as explained in its related report, (A/60/7/Add.14.) With respect to the initial budget, the Advisory Committee recommended that, pending a resubmission of the budget proposal for OIOS, resources equivalent to the revised level of the 2004-2005 provision should be approved. With respect to the revised estimates, in view of the status of the initial estimates and the comprehensive review of OIOS currently under way, 39 general temporary assistance positions should be authorized, pending consideration of a comprehensive budget proposal. Amounts requested for consultants should be deferred.

21. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, said it was essential that any budget approved by the Committee should make provision for the proposals set out in the Secretary-General's report (A/60/537). The European Union had noted that in some cases ACABQ had recommended that the Assembly should defer the approval of resource requests pending the submission of further information or decisions by the Assembly, and would bear its recommendations in mind when considering the proposed programme budget for 2006-2007. However, the General Assembly had been mandated by world leaders to act on the decision they had taken in September 2005 to strengthen the United Nations. Therefore, while it would not be possible to take decisions on all the Secretary-General's proposals before the end of the main part of the Assembly's

sixtieth session, it was nevertheless crucial that Member States should demonstrate their collective will to move forward expeditiously. The European Union believed that a successful outcome was possible, and stood ready to work to that end.

22. **Mr. Hall** (Jamaica), speaking on behalf of the Group of 77 and China, said that the Group shared the concerns expressed by ACABQ regarding the pressure of time and the danger of not giving proper consideration to the proposals contained in the Secretary-General's report (A/60/537), and had noted in particular the comments in paragraph 7 of its report (A/60/7/Add.13) to the effect that the document was not totally coherent.

23. The Group wished to reaffirm the importance it attached to the early consideration of the follow-up to the Summit Outcome, and noted with concern that some of the proposals in the Secretary-General's report addressed issues that related not to the Outcome but to older, existing mandates. The Group would examine only those proposals that were related to the Summit Outcome. With regard to the treatment of the revised estimates and the two options proposed by ACABQ in paragraph 67 of its report, the Group believed that the revised estimates were not part of the budget itself, and should be viewed as a supplementary budget.

24. With regard to the letter from the President of the General Assembly addressed to the Chairman of the Fifth Committee (A/C.5/60/19), the Group was willing to meet the deadline of 19 December requested for the completion of the Committee's deliberations on the Secretary-General's proposals. In that regard, the Group wished to reiterate its earlier request that conference services should be provided for night and weekend meetings. The Group was ready to conclude the Committee's work during the main part of the sixtieth session, and the only way to do so was to schedule additional conference services.

25. **Mr. Taula** (New Zealand), speaking also on behalf of Australia and Canada, said that the reports of the Secretary-General and of ACABQ were particularly important because they allowed the Committee to move forward in implementing key aspects of the agreements reached by world leaders at the September 2005 World Summit, while making clear that other aspects remained to be presented, and because the revised estimates provided a comprehensive picture of the Organization's resource requirements for the coming biennium.

26. The Advisory Committee had been right to focus on issues of immediate importance and to avoid prejudging the results of work still under way in the General Assembly. As noted in the Advisory Committee's report, further budgetary revisions would need to be presented as soon as possible, in the light of any decisions taken by the Assembly on reform and other aspects of the Summit Outcome.

27. The revised estimates reflected important proposals concerning ethical conduct and oversight. He wished to record his overall support for the Secretary-General's approach and to reiterate his support for the immediate establishment of an ethics office with the functions described by the Secretary-General.

28. He was broadly comfortable with the recommendations of ACABQ on the Secretary-General's various resource proposals, with two exceptions. First, he supported the Secretary-General's resource request for the establishment of a peacebuilding support office, which did not depend entirely on the General Assembly's decisions concerning the Peacebuilding Commission. Second, as the standing police capacity proposal had been clearly mandated and developed in close cooperation with the relevant experts, he saw no reason to delay its creation unnecessarily. The enlargement of the capacity of OHCHR was a priority which responded to one of the most precise mandates in the Summit Outcome. However, the Assembly must decide whether the baseline for the envisaged doubling of regular budget resources should be 2004-2005 or 2006-2007.

29. He strongly supported initiatives to increase the capacity of OIOS and ensure its operational independence. While he expected a comprehensive plan of action to flow from the external review of oversight, there was a pressing need to bolster the Office's audit and investigation capacity, as recognized at the 2005 World Summit. The fraud prevention and anti-corruption functions proposed by the Secretary-General were necessary, even though they were not directly related to the Summit Outcome. It was important to gain a clear idea of how work in that area would proceed.

30. The question of how to finance the revised estimates was very important. He was a strong advocate of the discipline imposed by the contingency

fund rules contained in General Assembly resolutions 41/213 and 42/211, but the Secretary-General had noted in his report that the rules did not provide for the current circumstances. In general terms, greater efforts should have been made to meet new requirements through reallocation. He was therefore ready to join other delegations in exploring fully the opportunities for such redeployment, but the clear priority was to put into effect the decisions taken at the 2005 World Summit, even if full absorption was not possible.

31. **Ms. Skaare** (Norway) said that her delegation was fully committed to the reforms aimed at making the Organization more effective, accountable and credible. Important decisions in that regard had been taken at the 2005 World Summit, and it was now the responsibility of Member States to implement them. Before they had adopted the Summit Outcome, Heads of State and Government had been informed that implementing the reforms would cost approximately $80 million. It was important that Member States should abide by their commitments and appropriate the necessary funding, as the reform process would otherwise be delayed. Norway therefore encouraged all Member States to negotiate on the revised estimates in a constructive manner with a view to obtaining an adequate 2006-2007 programme budget before the end of the year.

32. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that he agreed with the comment made by ACABQ to the effect that the consideration of multiple reports on the same subject made it difficult to formulate a clear path forward. Moreover, it appeared that some elements of the Secretary-General's report on the revised estimates would be overtaken by events and would have to be revisited at a later date. ACABQ also rightly noted that in a number of instances there was a need for further legislative decision-making or further elaboration and clarification by the Secretariat. His delegation agreed with ACABQ that as the legislative process in respect of the Peacebuilding Commission and the Human Rights Council had not yet been completed, it would be premature to consider resource requirements for those entities.

33. With respect to the proposals under budget section 23, Human rights, he recalled that new posts should be created only for the purpose of fulfilling specific functions. In the context of the proposal to double the resources of OHCHR, 93 additional posts had been proposed, and it was the prerogative of the Fifth Committee to evaluate the functions to be carried out by the staff recruited for those new posts, in line with the principles of results-based budgeting, according to which the budget was the vehicle for attaining the objectives of a given programme. Merely increasing resources would be more reminiscent of input budgeting, which had been abandoned years earlier.

34. The Committee should also ensure that the additional requirements programme of work under section 23 were in line with approved mandates in an area as sensitive as human rights, in accordance with normal programming procedures. Indeed, there were grounds for caution with respect to the proper implementation of procedures. For example, reference was made under section 23 to the High Commissioner's plan of action as one of the activities to be carried out by OHCHR during the biennium. However, the plan of action had merely been noted, not endorsed, by the General Assembly. Furthermore, the report referred to her reports of the Secretary-General which had not yet been endorsed by the Assembly and thus did not constitute a mandate for OHCHR; the reference to the role of OHCHR in conflict prevention (A/60/537, para. 74) was one example. The programme of work in the area of human rights should be strengthened through a balanced approach aimed at ensuring the implementation of all activities under section 23 and not focusing on one area at the expense of others.

35. With regard to the revised resource estimates, a progressive balance should be pursued between regular-budget and extrabudgetary resources for human rights activities, as indicated in the Summit Outcome. His delegation agreed that achieving such a balance did not necessarily require growth in regular-budget resources and that the option of converting certain extrabudgetary posts to regular-budget posts should be borne in mind in that regard.

36. His delegation agreed with the comments of ACABQ concerning the capacity and scope of the New York office of OHCHR. The establishment of an Assistant Secretary-General post in the New York office should not be considered until the feasibility study had been completed and OHCHR had a clearer picture of its structural needs and the functions envisaged for the office.

37. With regard to the funding of the additional resource requirements, the Committee could take the same course of action it had adopted in June 2004 for the revised estimates deriving from safety and security needs following the adoption of the 2004-2005 programme budget. Lastly, as the revised estimates currently before the Committee could not be approved until the programme budget for 2006-2007 was adopted, he called on all delegations to spare no effort to reach agreement on the proposed programme budget by the end of the main part of the sixtieth session.

38. **Ms. Shah** (United States of America) said that the time had come to reshape the United Nations. Management reform was essential to the successful implementation of the 2005 World Summit Outcome, and all Member States must work together to take the necessary steps to enhance the effectiveness of the Organization and strengthen its accountability. The United States welcomed the Secretary-General's proposals on the creation of an ethics office, the conduct of an independent external evaluation of auditing and oversight capacity and the creation of an independent oversight advisory committee, and looked forward to further discussion of those matters and to the full implementation of all the reforms called for in the Summit Outcome. Her delegation would be grateful for further information from the Advisory Committee as to why it had recommended reducing the resources allocated for the creation of an ethics office.

39. **Ms. Zobrist Rentenaar** (Switzerland) acknowledged that the Secretary-General's report (A/60/537) was not totally coherent, but pointed out that there had been no feasible alternative, given the time constraints. The programme budget implications arising from the adoption of the 2005 World Summit Outcome had originally been estimated at $80 million, and it was now time for Member States to honour their commitments by providing the necessary funding. It had always been Switzerland's understanding that the resource requirements arising from the Summit Outcome would not be met from within existing resources or be subject to the rules governing the use of the contingency fund.

40. The ethics office should be established without delay. While she shared many of the views expressed by the Advisory Committee, it should be possible to agree on a compromise. With regard to the independent oversight advisory committee, for the moment Switzerland would prefer to adopt preliminary terms of reference and approve a provisional budget.

41. She was prepared to accept the recommendation to defer consideration of the additional resources for conference management for the Peacebuilding Commission and the Human Rights Council, particularly since the request for $4 million for the Council had not been properly justified. She would be grateful for further information in that respect. Switzerland supported the establishment of a small peacebuilding support office and would be willing to consider the related resource requirements at the appropriate time.

42. As the Advisory Committee had observed, the proposed additional requirements for the New Partnership for Africa's Development (NEPAD) were inadequate. A comprehensive system-wide plan on all activities pertinent to the special needs of Africa would be helpful for further deliberations on that subject.

43. She was willing to accept the Advisory Committee's recommendations on section 29; Human rights. Since strengthening the New York office of OHCHR was a priority for Switzerland, she was awaiting with interest the results of the planned feasibility study and the subsequent consideration of the proposal to establish an Assistant Secretary-General post for New York. Switzerland would also like to act swiftly on the independent external evaluation of the auditing and oversight system, including the related budgetary requirements, and trusted that the established practice for international bidding would be fully respected.

44. Lastly, in document A/60/7/Add.14, the Advisory Committee had recommended that, pending a resubmission of the budget proposal for OIOS, resources equivalent to the revised level of the 2004-2005 provision, recosted for 2006-2007, should be provided. Although that course of action was not ideal, her delegation was prepared to accept it, bearing in mind the recent change at the helm of OIOS and the fact that a comprehensive review of the Office was under way. In addition, her delegation welcomed the Advisory Committee's recommendation that the Assembly should authorize the establishment of 39 additional temporary posts to strengthen the audit and investigation capacity of OIOS. Given the temporary nature of those posts, there should be a certain degree

of flexibility in terms of their distribution within the Office.

45. **Mr. Kozaki** (Japan) said that Japan attached great importance to the expeditious and steady implementation of the Summit Outcome, in particular those provisions relating to Secretariat and management reform. Since the Advisory Committee's recommendations would reduce the revised estimates by some $25.5 million, he would like to analyse resource requirements individually, taking into account the status of implementation of reform recommendations in the respective departments and offices and also bearing in mind the need for consistency with the Summit Outcome.

46. Referring to the report contained in document A/60/568, he said that the progress made by the end of 2005 in the implementation of Secretariat and management reform, including the establishment of the ethics office, the strengthening of the expertise, capacity and resources of OIOS, the establishment of an independent oversight advisory committee and the submission of proposals designed to provide guidance on mandate review, should be reflected in the proposed programme budget for 2006-2007.

47. Japan supported the review of OIOS, but did not regard it as a prerequisite for the strengthening of that Office, which was a matter of urgency and had been specifically requested in paragraph 164 (a) of the Summit Outcome. Accordingly, the Committee could not defer consideration of that issue until May 2006. The necessary resources must be included in the proposed programme budget for 2006-2007 and any upward or downward adjustments should be based on the outcome of the external review. Japan fully endorsed the Secretary-General's proposal for significantly strengthening the expertise and capacity of OIOS.

48. **Mr. Torres Lépori** (Argentina) said that the consideration of the revised estimates gave the General Assembly an opportunity to rapidly implement some of the reforms set out in the Summit Outcome. Other proposals, such as those relating to the Peacebuilding Commission and the Human Rights Council, had not yet been finalized, and any additional resources relating thereto would have to be considered in the context of the performance reports for 2006-2007.

49. With regard to the proposed ethics office, his delegation understood both the need for its creation and the importance of minimizing unnecessary expenditure. As far as the peacebuilding support office was concerned, the General Assembly should make the necessary resources available to the Secretary-General.

50. A plan to meet the special needs of Africa must be developed without delay, in accordance with paragraph 68 of the Summit Outcome. In addition, sufficient resources should be provided to finance the post of Special Adviser on Africa. In the Summit Outcome, the Assembly had also invited the Secretary-General to submit proposals to strengthen the capacity of the United Nations system to assist States in combating terrorism; the Assembly should therefore take the appropriate measures in that regard.

51. Argentina fully supported the decision to double the resources allocated to OHCHR over the forthcoming five years. In that regard, the Secretariat's proposal was well-founded and provided a good basis for achieving the objectives of improving technical assistance and capacity-building in the area of human rights. Lastly, the resources needed to establish a standing police capacity for peacekeeping operations must be provided.

52. **Mr. Yoo** Dae-jong (Republic of Korea) said that the Committee's deliberations on the revised estimates and on the proposed programme budget itself had been further complicated by the fact that the Secretary-General's report was not totally coherent. However, all delegations must show maximum flexibility in the face of those difficulties, particularly since budget matters were time-bound. In spite of the pressure of time and a heavy workload, the Fifth Committee must work with the Secretariat and the Advisory Committee in order to adopt the proposed programme budget for 2006-2007 and implement the reform measures set out in the Summit Outcome as quickly as possible.

53. Excluding the pending requirements for the Peacebuilding Commission, the Human Rights Council and oversight capacity, the additional resource requirements arising from the Summit Outcome amounted to some $75.5 million. The Advisory Committee had made recommendations entailing a reduction of some $25 million, and his delegation therefore wondered whether a serious effort had been made to accommodate new and expanded mandates through the redeployment of existing resources.

54. Since the estimated additional requirements far exceeded the level of the contingency fund, the

Secretary-General had suggested that the General Assembly might wish to set aside the provisions of its resolution 42/211 for the purposes of implementing the Summit Outcome. In that connection, the Republic of Korea had taken note of the Advisory Committee's observation that that issue and options for dealing with it should have been thoroughly analysed.

55. **Ms. Buergo Rodriguez** (Cuba) reiterated Cuba's commitment to adopting the proposed programme budget for 2006-2007 by the end of 2005, but stressed the importance of devoting sufficient time to the consideration of the revised estimates. There were no specific deadlines for approving proposals arising from the Summit Outcome, and the Committee should not take decisions in haste, although it could certainly act promptly on matters on which all the necessary information had already been provided.

56. Referring to the Secretary-General's report (A/60/537), she expressed concern about the resource requests relating to section 23, Human rights, and reiterated her delegation's reservations about the decision to double the resources of OHCHR over the forthcoming five years (paragraph 124 of the Summit Outcome). That provision gave priority to one area of the work of the United Nations at the expense of the others. Moreover, some of the new posts proposed did not correspond to specific mandates from the General Assembly.

57. Lastly, with regard to the question of whether the contingency fund should be used to meet the additional resource requirements arising from the Summit Outcome, Cuba favoured an approach similar to the one adopted the previous year to deal with the additional requirements for safety and security.

58. **Mr. Simancas** (Mexico) observed that paragraph 48 of the Advisory Committee's report (A/60/7/Add.13) referred to support for six human rights treaty bodies. However, since its establishment by the Economic and Social Council in 1985, the Committee on Economic, Social and Cultural Rights had also been regarded as a treaty body. He therefore wished to know whether the support referred to in the ACABQ report would also be provided to that Committee.

59. In view of the need to take swift action on the revised estimates, he was surprised that the Secretary-General's report (A/60/537), which had been issued on 3 November 2005, had only just reached the Fifth Committee. That situation did not contribute to the successful implementation of the Summit Outcome, nor did the submission of multiple reports on the same subject, as noted by the Advisory Committee.

60. **Ms. Udo** (Nigeria) said that her delegation welcomed the opportunity to discuss the implications of the decisions taken at the 2005 World Summit, which had been a landmark event. It was committed to comprehensive United Nations reform and would approach the negotiations with a positive attitude. While it would like to have had more time to study the reports under consideration, it understood the time constraints facing the Committee.

61. Her delegation endorsed the Advisory Committee's comments on the Secretary-General's proposals with regard to United Nations support for the New Partnership for Africa's Development (NEPAD). The development of Africa was one of the Organization's priorities. However, that priority had not been translated into action, nor was it adequately reflected in the allocation of resources. A more concerted effort was required to ensure that Africa achieved the goals of the Millennium Declaration by 2015, so that it could enter the mainstream of the world economy. In that connection, the proposals before the Committee should be reviewed, and the Secretary-General should elaborate in the near future a comprehensive system-wide plan in response to all the elements of paragraph 68 of the Summit Outcome, incorporating not only NEPAD but also other relevant United Nations entities with activities pertinent to the Organization's role in meeting the special needs of Africa. Lastly, her delegation looked forward to working with others to achieve a speedy conclusion to the Committee's deliberations.

62. **Mr. Brant** (Brazil) said that his delegation attached great importance to United Nations support for NEPAD and welcomed the decision to double the regular budget resources of OHCHR over the next five years.

63. **Mr. Elji** (Syrian Arab Republic) said that, in examining the Secretary-General's proposals, his delegation would be guided by its understanding of the 2005 World Summit Outcome. Regrettably, the late issuance of the Secretary-General's report (A/60/537) would prevent the Committee from giving it detailed consideration. His delegation viewed the report as an addendum to the proposed programme budget for the

biennium 2006-2007 and expected that it would be considered in accordance with the rules of procedure of the General Assembly regarding administrative and budgetary questions. Some priorities of the United Nations, including support for NEPAD, were not sufficiently reflected in the Secretary-General's proposals, which could not therefore be regarded as balanced. In that connection, he emphasized that his delegation would not accept any attempt to blackmail the Organization and Member States by making the adoption of the proposed programme budget conditional on the implementation of certain reforms; the reforms implemented must reflect the interests of all.

64. His delegation was not convinced of the need for an independent oversight advisory committee or for the allocation of any resources for that purpose at the current stage, since the matter was still before the General Assembly. Likewise, no appropriation should be made for the Peacebuilding Commission or the Human Rights Council, since the details of their establishment had not yet been worked out. His delegation would seek additional information in informal consultations regarding the resources requested under sections 3 and 16 of the proposed programme budget. With regard to section 23 (Human rights), the purpose of doubling the regular budget resources of OHCHR over the next five years was to set a balance between regular-budget and voluntary contributions to the Office's resources. In that context, a number of posts currently funded from extrabudgetary resources were to be converted to regular-budget posts. The Secretary-General, however, had also requested several new posts, and his delegation wondered how that request could be justified.

65. His delegation would put the remainder of its questions in informal consultations, so as to allow more time for discussion. It hoped that such flexibility would enable the Committee to adopt a programme budget covering the whole biennium.

66. **Mr. Sach** (Controller) said, with regard to United Nations support for NEPAD, that, should the General Assembly endorse the recommendation contained in paragraph 37 of the Advisory Committee's report (A/60/7/Add.13), the Secretary-General would elaborate a comprehensive system-wide plan, as requested by ACABQ, and report thereon to the Assembly as soon as possible and no later than the main part of the sixty-first session. If the report was required within a shorter time frame, Member States might wish to give the Secretariat a specific mandate to that effect.

67. The Administration always sought to accommodate additional requirements within existing resources. However, there was little capacity for absorption at the current stage of the budget cycle. In preparing the proposed programme budget, the Administration had carefully considered opportunities for redeploying resources and offsetting expenditure. It had produced a zero-growth budget, in which some 240 posts had been identified for redeployment. In order to find resources to fund the additional requirements, it would be necessary to underfund some existing mandates. In that connection, he recalled that the General Assembly, in its resolution 56/253, had emphasized that the resources proposed by the Secretary-General should be commensurate with all mandated programmes and activities in order to ensure their full, efficient and effective implementation.

68. The additional resource request for OHCHR was made on the basis of paragraph 124 of the Summit Outcome, in which the General Assembly resolved to strengthen the Office by doubling its regular budget resources. The status of the High Commissioner's plan of action was therefore not relevant.

69. The Administration felt that the issue of the use of the contingency fund was political rather than technical and, as such, should be settled by a decision of the General Assembly. The arrangements set out in resolutions 41/213 and 42/211 had served the Organization well. Member States needed to find language that reflected the spirit of those resolutions, while ensuring that the additional requirements arising from the Summit Outcome were fully funded.

70. Lastly, those delegations that had described the revised estimates as lacking coherence should bear in mind that the Secretariat had to respond to events as they developed. General Assembly resolution 60/1 gave only an indication of Member States' wishes, and negotiations on the follow-up to the Summit Outcome were ongoing. The situation was chaotic, and the Secretariat would welcome efforts by the Committee to bring order to it.

71. **Mr. Elji** (Syrian Arab Republic) said that it was still not clear to his delegation why the Secretariat had requested the establishment of new posts for OHCHR.

72. **Ms. Udo** (Nigeria) said it was her understanding that a number of reports on the follow-up to the Summit Outcome were to be submitted in the first quarter of 2006. The Secretary-General's report on NEPAD should also be submitted at that time, so that the General Assembly would have a more complete picture of the actions to be taken.

73. **Ms. Lock** (South Africa) said that her delegation wished to associate itself with the statements made by the representative of Jamaica on behalf of the Group of 77 and China and by the representatives of Nigeria and Brazil. It shared the concern expressed by previous speakers about the adequacy of the resources requested for United Nations support for NEPAD and supported the proposal just made regarding the timing of the submission of the Secretary-General's report. It hoped that, in the meantime, there would be an opportunity for the Committee to consider ways of increasing the level of resources proposed.

74. **Mr. Sach** (Controller) said that some of the posts requested for OHCHR were new posts, while others were posts currently funded from voluntary contributions; a number of extrabudgetary posts were to be abolished. The Secretary-General's proposals were in line with paragraph 124 of resolution 60/1. He would convey the request made regarding the report on NEPAD to the offices concerned.

75. **The Chairman** said that the Acting Chairman of the Advisory Committee would reply to delegations' questions in informal consultations.

Other matters

76. **Mr. Elji** (Syrian Arab Republic), noting that asbestos abatement was being carried out in the vicinity of Conference Rooms 5 and 6, expressed concern that the area was not properly sealed off. He asked what hazards that might pose to human health and urged the offices concerned to ensure that proper precautions were taken.

The meeting rose at 12.05 p.m.

United Nations A/C.5/60/SR.31

General Assembly
Sixtieth session

Official Records

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Fifth Committee

Summary record of the 31st meeting
Held at Headquarters, New York, on Friday, 16 December 2005, at 10 a.m.

Chairman: Mr. Muhith (Vice-Chairman) (Bangladesh)
Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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Agenda item 124: Proposed programme budget for the biennium 2006-2007 *(continued)*

Implementation of decisions from the 2005 World Summit Outcome for action by the Secretary-General

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Provision of conference services

Organization of work

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05-64811 (E)

In the absence of Mr. Ashe (Antigua and Barbuda), Mr. Muhith (Bangladesh), Vice-Chairman, took the Chair.

The meeting was called to order at 10.25 a.m.

Agenda item 46: Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Agenda item 119: Strengthening of the United Nations system

Agenda item 120: Follow-up to the outcome of the Millennium Summit

Agenda item 122: Review of the efficiency of the administrative and financial functioning of the United Nations *(continued)*

Agenda item 124: Proposed programme budget for the biennium 2006-2007 *(continued)*

Implementation of decisions from the 2005 World Summit Outcome for action by the Secretary-General (A/60/7/Add.23 and A/60/568 and Corr.1 and Corr.2; A/C.5/60/19)

1. **The Chairman** drew the Committee's attention to the letter dated 9 December 2005 from the President of the General Assembly addressed to the Chairman of the Fifth Committee (A/C.5/60/19), transmitting the report of the Secretary-General on the ethics office; comprehensive review of governance arrangements, including an independent external evaluation of the auditing and oversight system; and the independent audit advisory committee (A/60/568 and Corr.1 and Corr.2) and requesting that the Committee should transmit its recommendations on that report to the General Assembly by 19 December 2005.

2. **Mr. Sach** (Controller) explained that the information in the report of the Secretary-General had been provided in response to a number of requests contained in the 2005 World Summit Outcome (General Assembly resolution 60/1), particularly paragraphs 161 (d), 164 (b) and 164 (c). The three annexes to the report elaborated on that information.

3. General information on the ethics office could be found in paragraphs 2 to 6 of the report, while other details, including resource requirements, had been provided in the revised estimates to the proposed programme budget for 2006-2007 (A/60/537), which the Committee was considering in informal consultations. The ethics office was intended to fill a gap: the Organization currently had no mechanism to coordinate ethics-related initiatives or to ensure that all staff were actively aware of ethics issues.

4. The ethics office was one of the management-reform initiatives intended to strengthen transparency, accountability and ethical conduct in the Secretariat, including expanded financial disclosure obligations for senior officials, as described in Secretary-General's bulletin ST/SGB/2005/19, and whistleblower protection, as described in Secretary-General's bulletin ST/SGB/2005/21.

5. The independent external evaluation of the United Nations auditing and oversight system, described in paragraphs 7 and 9 of the report of the Secretary-General, would take place within the context of the comprehensive review of governance arrangements. Once again, details of resource requirements had been provided in the revised estimates to the proposed programme budget for 2006-2007 (A/60/537).

6. The Audit Operations Committee of the United Nations Board of Auditors, the Office of Internal Oversight Services (OIOS) and members of the High-Level Committee on Management of the United Nations System Chief Executives Board for Coordination had been consulted on the terms of reference for the evaluation, which would be carried out by consultants selected on an international competitive basis. The evaluation process — a governance and oversight review and a review of OIOS — would be overseen by a steering committee established by the Secretary-General and consisting of five internationally representative independent experts.

7. The purpose of the evaluation, whose results would be submitted to the General Assembly in June 2006, was to promote the highest standards of ethics and organizational values, accountability, value for money, management efficiency and transparency by identifying best international practices in public- and private-sector governance, oversight and auditing. The review of OIOS was to recommend appropriate arrangements to make that body independent of

management, provide it with sufficient resources and optimize its effectiveness.

8. Details on the establishment and terms of reference of an independent oversight advisory committee could be found in paragraphs 10 to 13 of the report of the Secretary-General and in the revised estimates to the proposed programme budget for 2006-2007 (A/60/537). As the committee was to focus on audit matters, the Secretary-General had proposed that it should be called the "Independent Audit Advisory Committee". The five or seven external experts making up the committee would be nominated by the Secretary-General for approval by the General Assembly. The committee's provisional terms of reference would be reviewed in the independent external evaluation of auditing and oversight.

9. The Secretary-General had just received a letter from the Auditor-General of South Africa, in his capacity as Chairman of the Panel of External Auditors, welcoming the developments outlined in the report of the Secretary-General, the comprehensive terms of reference for the governance review and the terms of reference for the Independent Audit Advisory Committee, and expressing the hope that the momentum for better governance would spread throughout the United Nations system.

10. The actions which the General Assembly might consider were to take note of the report of the Secretary-General and its annexes and to approve the proposals set out in paragraphs 2 to 13 of that report.

11. **Mr. Saha** (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee, in considering the report of the Secretary-General, had adopted a purely technical approach, focusing on the administrative and budgetary aspects of the proposals and leaving matters of policy to the General Assembly, as was appropriate. The relevant report of the Advisory Committee (A/60/7/Add.23) should be considered in conjunction with its report on the revised budget estimates (A/60/7/Add.13).

12. The Advisory Committee believed that the recommendations on the ethics office contained in its report on the revised budget estimates remained valid: the office should be headed by a staff member at the D-2 rather than Assistant Secretary-General level; as existing Secretariat units were carrying out ethics-related functions and the workload of the new office was uncertain, some of its staffing requirements should be met through general temporary assistance; and no regional liaison offices should yet be established. The Advisory Committee also awaited follow-up information, as requested in paragraph 11 of its report on the revised budget estimates (A/60/7/Add.13).

13. The role of the steering committee which was to oversee the evaluation of auditing and oversight should be clarified and possibly revised; as the steering committee was to be established by the Secretary-General, its active involvement in the evaluation could compromise the independence of that exercise. Furthermore, the Advisory Committee recommended that the proposed Independent Audit Advisory Committee should not be established until after the review of governance arrangements was complete. By contrast, there was no need to wait for the new committee's establishment before giving OIOS operational and budgetary independence, as called for in annex II, paragraph 5 (c), of the report of the Secretary-General. The General Assembly might wish to authorize OIOS to submit its budget through the Advisory Committee.

14. **Ms. Galvez** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate country Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland, Norway, the Republic of Moldova and Ukraine, said that the European Union was committed to the early establishment of the ethics office and the finalization of related United Nations policies, including those covering whistleblower protection, fraud prevention and financial disclosure. The Organization must show that it was taking concrete steps to address transparency and accountability weaknesses and to mainstream ethical behaviour across all departments. The process of strengthening oversight should begin immediately; the first step was to ensure the operational independence of OIOS.

15. Recalling that the President of the General Assembly, in his letter to the Chairman (A/C.5/60/19), had requested that the Fifth Committee should provide the General Assembly plenary with recommendations regarding the issues covered in the report of the Secretary-General by 19 December 2005, she expressed her delegation's readiness to proceed as

rapidly as possible to informal consultations on that report, in the interests of a timely and constructive outcome.

16. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that, as ethics and oversight were of great importance to the Group, it stood ready to consider constructively the content of the Secretary-General's report, though its late arrival had left little time to do so.

17. **Ms. Soni** (Canada), speaking also on behalf of Australia and New Zealand, expressed support for the proposals contained in the report of the Secretary-General regarding an ethics office, the independent external review of governance and oversight and the Independent Audit Advisory Committee.

18. The delegations of Australia, Canada and New Zealand could not, however, conceal their disappointment at the Advisory Committee report. Despite maintaining, in paragraph 2 of that report, that it should have had early access to the report of the Secretary-General, the Advisory Committee, when it had considered the report, had failed to address its content or to supply the technical advice which the Fifth Committee expected. In connection with the ethics office, it had merely restated its recommendations regarding resources, without commenting on the office's establishment or functions. Similarly, it had not commented on the merits of the proposed Independent Audit Advisory Committee.

19. **Mr. Torres Lépori** (Argentina), speaking on behalf of the Rio Group, affirmed the Group's support for Secretariat reform and its willingness to work constructively to improve efficiency and transparency. Although the Secretary-General had responded to the request made at the 2005 World Summit for information on the proposed ethics office, more details should be supplied during the Committee's informal consultations to enable the General Assembly to take the relevant decisions. The Rio Group agreed with the recommendations of the Advisory Committee regarding staffing of the office, whose workload was impossible to predict.

20. The Rio Group welcomed the recommendations of the Advisory Committee regarding the comprehensive review of governance arrangements, particularly the observation that the functions and mandate of the Independent Audit Advisory Committee should not be determined until the review was complete, and hoped that further clarification would be provided during informal consultations.

21. **Mr. Garcia** (United States of America) said that the key reforms referred to in the 2005 World Summit Outcome were essential to make the Organization stronger, more effective and more accountable at what the United States believed was a critical moment. The proposals contained in the report of the Secretary-General were sorely needed and must move forward as rapidly as possible. To that end, his delegation would work to achieve a consensus in the Committee.

22. **Mr. Matsunaga** (Japan) said that, in order to enhance accountability, integrity and transparency throughout the Secretariat, the General Assembly must take immediate steps to create an ethics office, conduct an independent external evaluation of the Organization's auditing and oversight system and establish an Independent Audit Advisory Committee. While his delegation supported actions to ensure and enhance the operational independence of OIOS, it was concerned that the suggestion contained in paragraph 18 of the Advisory Committee's report (A/60/7/Add.23) could undermine budgetary integrity. The strengthening of OIOS must be pursued immediately and vigorously and provisions to that end should therefore be incorporated into the proposed programme budget as soon as possible.

23. **Ms. Buergo Rodríguez** (Cuba) said that adherence to the highest ethical standards was a precondition for employment at the United Nations, and endorsed the comments contained in paragraph 19 of the Advisory Committee's report (A/60/7/Add.13). In that connection, the International Civil Service Commission, in its capacity as an advisory body, should consider the issue of ethical conduct at the United Nations. Although Cuba did not object to the proposed creation of an ethics office, it was not altogether convinced that such an office was necessary to strengthen ethical conduct within the Organization.

24. The external evaluation of the Organization's auditing and oversight system was a highly sensitive issue that should be analysed with great care. She reiterated Cuba's position on paragraph 164 (b) of the Summit Outcome, to the effect that it did not support an external evaluation because such an evaluation would place the United Nations, which was supposed to be impartial and neutral, at the mercy of questionable political interests. With regard to the

proposal to enhance the budgetary and operational independence of OIOS, any study or external review of the Office must be conducted in accordance with paragraph 11 of General Assembly resolution 59/272. Cuba was not convinced of the need for an Independent Audit Advisory Committee, since the Organization already had the internal mechanisms needed to ensure Secretariat compliance with the recommendations of the relevant audit and investigation bodies. That was another issue to which the General Assembly should devote sufficient time.

25. Lastly, she had taken note of the request contained in document A/C.5/60/19 and trusted that the Fifth Committee would be able to organize its remaining work in such a way as to make the most productive use of the time allotted to it and guarantee open, transparent and all-inclusive negotiations.

26. **Mr. Yoo** Dae-jong (Republic of Korea) said that the Secretary-General's report was a positive step towards the full implementation of the Summit Outcome, and expressed his delegation's strong support for efforts to strengthen oversight at the United Nations. He had taken note of the Advisory Committee's comments on staffing requirements for the ethics office and the timing of the establishment of the Independent Audit Advisory Committee, and trusted that the relevant negotiations would be concluded in a timely manner.

27. **Ms. Zobrist Rentenaar** (Switzerland) reiterated her delegation's support for the creation of an ethics office. She also welcomed the terms of reference for the comprehensive review of governance arrangements and stressed the need to take swift action on that matter.

28. With regard to the provisional terms of reference for the Independent Audit Advisory Committee, she stressed the need to respect the proper division of labour between that Committee and OIOS and drew attention to the potential for overlap between its mandate and those of OIOS and the Management Performance Board. The new Committee's coverage should include the funds and programmes and, during the selection process for expert members, greater emphasis should be placed on audit committee experience. The creation of an Independent Audit Advisory Committee was an important step forward in efforts to secure the budgetary independence of OIOS. Therefore, although the current terms of reference were provisional, she would prefer to adopt them without delay and revisit them in light of the outcome of the governance review.

29. **Mr. Alarcón** (Costa Rica), referring to the detailed information on the establishment of an ethics office provided in annex I to the Secretary-General's report, asked whether the provisions of paragraph 1 would also apply to officials at the Under-Secretary-General and other senior levels. With reference to paragraph 4, he wished to know whether the office would submit any reports directly to the General Assembly. Paragraph 10 referred to "senior officials", but he wondered whether the expanded financial disclosure programme would cover those officials contracted under the $1-per-year arrangement. The wording of paragraph 22 deserved further attention, and additional information should be provided on the chain of command and reporting lines between the Headquarters office and the liaison offices referred to in paragraph 25.

30. Turning to the terms of reference for the comprehensive review of governance arrangements, contained in annex II to the Secretary-General's report, he requested additional information on the phasing arrangements described in paragraph 4. While he agreed with the Advisory Committee's comments on the conduct of the independent external evaluation, he felt that the promotion of accountability mentioned in paragraph 5 (b) (ii) of annex II should apply also to senior officials and those contracted under the $1-per-year arrangement. As far as the composition of the Steering Committee was concerned, he was in favour of selecting five expert members, one from each geographical region. He would be grateful for clarification as to the significance of the phrase "multinational clients" in paragraph 14 (a). The Independent Audit Advisory Committee should also be composed of five members, one from each geographical region, and its scope should be extended to include the funds and programmes.

31. Lastly, referring to the criteria for defining the independence of members of the external committee (contained in appendix A to the Secretary-General's report), he requested further information on best practices in that area. He also wished to know how to define the phrase "senior member of the Government", since each Member State had a different administrative structure. With respect to paragraph 2 (e), he agreed that the receipt of United Nations compensation of

more than $100,000 during any 12-month period within the last three years should be considered to constitute a close relationship with the Organization. However, he felt that the receipt of more than $150,000 in total within the last three years should also be regarded as evidence of such a relationship. Lastly, the references to United Nations employees in subparagraphs (a) and (f) of paragraph 2 were not coherent, and more information should be provided on the precise meaning of "material relationship".

32. **Mr. Sach** (Controller) said that the Independent Audit Advisory Committee could be composed of five experts rather than seven, provided that its workload was managed effectively. Once the Committee was up and running, its scope could be extended to include the funds and programmes; the Panel of External Auditors had expressed the view that the existing terms of reference were suitable for that purpose.

33. In response to the questions posed by the representative of Costa Rica, he said that the reference to "multinational clients" in paragraph 14 (a) of annex II to the Secretary-General's report was intended to ensure that the entity undertaking the governance review had experience with clients in a variety of different countries. "Senior member of the Government" (appendix A) was understood to mean a Cabinet-level official, but the precise definition of that term, as well as of the dollar amounts deemed to constitute a "material relationship", could be decided upon during the relevant negotiations.

34. The proposed ethics office would have jurisdiction over all senior Secretariat staff, particularly since high-level officials were more susceptible to ethical risks. Once the office was established, it would submit an annual report to the General Assembly, thereby strengthening its relationship with the Assembly as a whole and the Fifth Committee in particular.

Agenda item 123: Programme budget for the biennium 2004-2005 (*continued*)

Provision of conference services (A/C.5/60/L.10)

35. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China and referring to the draft decision contained in document A/C.5/60/L.10, recalled that a compromise proposal had been submitted during the previous day's informal consultations. The Group of 77 and China viewed that proposal in a positive light and hoped that other delegations would do likewise.

The meeting was suspended at 11.25 a.m. and resumed at 1.05 p.m.

Organization of work

36. After a discussion in which **Mr. Elnaggar** (Egypt), **Mr. Mazumdar** (India), **Mr. Longhurst** (United Kingdom), **Mr. Elji** (Syrian Arab Republic) and **Ms. Taylor Roberts** (Jamaica) took part, **the Chairman** said that he would convene a meeting of the Bureau to discuss the possibility of holding another formal meeting that afternoon.

The meeting rose at 1.10 p.m.

United Nations A/C.5/60/SR.32

General Assembly
Sixtieth session

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Fifth Committee

Summary record of the 32nd meeting
Held at Headquarters, New York, on Friday, 16 December 2005, at 3 p.m.

Chairman: Mr. Muhith (Vice-Chairman) ..... (Bangladesh)
Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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Provision of conference services (*continued*)

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05-64936 (E)

In the absence of Mr. Ashe (Antigua and Barbuda), Mr. Muhith (Bangladesh), Vice-Chairman, took the Chair.

The meeting was called to order at 5.45 p.m.

Agenda item 123: Programme budget for the biennium 2004-2005 (*continued*)

Provision of conference services (*continued*) (A/C.5/60/L.10)

1. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, recalled that, immediately prior to the adjournment of the 31st meeting, she had indicated that a compromise had been reached on the draft decision on the provision of conference services (A/C.5/60/L.10) and that the Group of 77 and China viewed the new proposal in a positive light. In addition, the Office of the President of the General Assembly had confirmed that, once the Committee had agreed on the number of additional meetings it required, the Chairman could submit a request for the relevant conference services. However, since the Committee had failed to reach agreement on that issue, she intended to proceed with the introduction of the original proposal.

2. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, said that the European Union, in conjunction with a number of other delegations, had prepared an alternative draft decision on the provision of conference services which would enable the Committee to hold two additional meetings on Saturday, 17 December 2005. If the draft, an informal text of which was currently being circulated, was acceptable, he was prepared to take action on it immediately.

3. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, reiterated her intention to proceed with the introduction of the original draft decision.

4. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union and supported by **Mr. Garcia** (United States of America), **Mr. Elnaggar** (Egypt) and **Mr. Iosifov** (Russian Federation), requested a brief suspension of the meeting.

5. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that, while she did not wish to block efforts to reach a compromise, action must be taken on the draft decision before the meeting was adjourned.

6. **Mr. Elji** (Syrian Arab Republic) said that he did not object to suspending the meeting but reminded all delegations that time was money. The extension of conference services beyond 6 p.m. did not require the adoption of a formal decision; the Under-Secretary-General for General Assembly and Conference Management could authorize such extensions.

7. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, pointed out that he had requested a suspension in order to hold consultations on the proposal submitted by the Group of 77 and China and not in order to waste time.

The meeting was suspended at 5.55 p.m. and resumed at 6.15 p.m.

8. **Mr. Garcia** (United States of America) said that, since there had been no agreement to extend conference services beyond 6 p.m., his delegation wished to request the immediate adjournment of the meeting.

9. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that she was not prepared to agree to adjourn the meeting. She requested an extension of conference services.

10. **Mr. Mazumdar** (India), **Ms. Noman** (Yemen) and **Mr. Debabeche** (Algeria) expressed their support for the request made by the representative of Jamaica on behalf of the Group of 77 and China.

11. **The Chairman** drew the Committee's attention to rule 118 of the rules of procedure of the General Assembly, according to which motions to suspend or adjourn the meeting should not be debated but should be immediately put to the vote.

12. **Mr. Elji** (Syrian Arab Republic), speaking on a point of order, said that motions to suspend or adjourn should be supported by two representatives in addition to the proposer.

13. **Mr. Abelian** (Secretary of the Committee) pointed out that, in accordance with rules 116 and 117 of the rules of procedure, motions to adjourn or close the debate on the item in question could be supported by two representatives. However, pursuant to rule 118, a motion to suspend or adjourn the meeting should not be debated but should be immediately put to the vote.

14. **Ms. Buergo Rodríguez** (Cuba) expressed her regret at the situation facing the Committee, which had arisen because of the Committee secretariat's failure to give neutral advice on a simple procedural matter.

15. **Mr. Chungong Ayafor** (Cameroon) recalled that the representative of the United States had requested the adjournment of the meeting on the ground that there had been no agreement to extend conference services beyond 6 p.m. The Secretariat should confirm that that was indeed the case.

16. **Mr. Garcia** (United States of America) asked the Secretariat to clarify whether or not there was agreement to extend conference services.

17. **Ms. Lewis** (Chief of the Central Planning and Coordination Service of the Department for General Assembly and Conference Management) said that the Department for General Assembly and Conference Management had been notified of the request for an extension of conference services for the Fifth Committee and for the plenary of the General Assembly. The services currently being used by the Fifth Committee actually belonged to the General Assembly plenary, which had a standing authorization to hold night meetings. There was currently no authorization for the Fifth Committee to meet beyond 6 p.m. but, given that it was likely to proceed to a vote, the services currently in the room would not be withdrawn.

18. **Mr. Garcia** (United States of America) said that, even though there had been no agreement to make conference services available to the Fifth Committee beyond 6 p.m., he was willing to withdraw his request for the adjournment of the meeting.

The meeting was suspended at 6.40 p.m. and resumed at 6.55 p.m.

Draft decision A/C.5/60/L.10

19. **Ms. Taylor Roberts** (Jamaica), introducing draft decision A/C.5/60/L.10 on behalf of the Group of 77 and China, said that, following informal consultations, it had been decided to revise the original text. The draft decision should consequently begin: "The General Assembly decides to provide full conference services to the informal consultations of the Fifth Committee ...".

20. **The Chairman** indicated that the sponsors of draft decision A/C.5/60/L.10 had not complied with rule 120 of the rules of procedure of the General Assembly, according to which proposals could not be discussed or put to the vote at a meeting of the Committee unless they were circulated to all delegations no later than the day preceding that meeting.

21. **Mr. Belov** (Office of Programme Planning, Budget and Accounts), providing an oral statement of the programme budget implications of the draft decision, in compliance with rule 153 of the rules of procedure of the General Assembly, said that the Secretariat understood that the Fifth Committee's intention was to be able to hold informal consultations, in three-hour blocks with full conference services, from the date of adoption of the decision until the end of the main part of the current session of the General Assembly. The estimated cost for a three-hour meeting with full services, including interpretation in the six official languages and conference and common support services, was $14,300. The estimated cost for a three-hour meeting with limited services, which would exclude interpretation, was $2,850.

22. Information received from the delegations concerned indicated that, in addition to the meeting services already programmed for the Committee during the main part of the sixtieth session, there was a potential requirement of up to 15 meetings with full services, and 15 meetings with limited services, for informal consultations of the Fifth Committee after regular working hours and on weekends. On that basis, the total cost of additional meetings could reach $257,200.

23. It should be noted in that connection that conference servicing capacity at Headquarters could accommodate one morning meeting and one afternoon meeting per day on weekends, and one additional meeting between 6 p.m. and 9 p.m. on weekdays. The additional workload associated with the potential number of additional meeting therefore exceeded the available conference servicing capacity, giving rise to a need for additional freelance staff whose availability at short notice could not be guaranteed.

24. As the estimated additional costs of $257,200 were not within the programme budget for the biennium 2004-2005, the actual cost of conference services provided by the Secretariat would be given in the second performance report on the programme budget for the biennium.

The meeting was suspended at 7.05 p.m. and resumed at 7.20 p.m.

25. **Mr. Saha** (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, as the Secretariat representative had indicated, the conference services described in draft decision A/C.5/60/L.10, as orally revised, would give rise to expenditure in excess of provisions in the programme budget for the biennium. The Advisory Committee saw no reason to object to the Secretariat's costing of full conference services, and took the view that it was for the General Assembly to decide whether the additional expenditure should be considered in the context of the second performance report on the programme budget for the biennium 2004-2005.

26. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, and recalling that draft decision A/C.5/60/L.10 had been circulated to delegations only that morning, said that the Group wished to request a waiver of rule 120 of the rules of procedure of the General Assembly, owing to the urgency of the situation and the need for the Committee to complete its business as rapidly as possible.

27. **The Chairman** invited comments on the request made by the representative of Jamaica on behalf of the Group of 77 and China.

28. **Mr. Garcia** (United States of America) said that he had received no copy of the draft decision in advance of the current meeting. Furthermore, he asked when the main part of the sixtieth session would end, as the draft decision would make conference services available for informal consultations of the Committee until that date.

29. **Mr. Abelian** (Secretary of the Committee) said that a proposal was deemed to have been circulated if it was translated into all the official languages and was made available to delegations for collection at document-distribution locations, was delivered to them or was posted on the Official Document System (ODS). Rule 120 was not specific as to the method of distribution, and had been adopted before ODS had come into existence, but it was specific as to the one day that must elapse between the proposal's availability and its being discussed or put to the vote.

30. The last day of the main part of the sixtieth session of the General Assembly was 22 December 2005.

31. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, and **Mr. Garcia** (United States of America) said that they were not in favour of waiving rule 120 of the rules of procedure of the General Assembly.

32. **Mr. Elji** (Syrian Arab Republic) asked the Secretariat to indicate what procedure applied if one or more delegations opposed a waiver of rule 120.

33. **Mr. Abelian** (Secretary of the Committee) said that, pursuant to the rules of procedure of the General Assembly, action must be taken on a request for a waiver of rule 120. Accordingly, members of the Committee opposing the waiver were in effect moving that no action should be taken on the request and that debate on the item should be adjourned. Rule 116 therefore applied: two statements for, and two statements against, the motion were permitted, after which the motion must be put to the vote.

34. **Mr. Elnaggar** (Egypt), supported by **Mr. Mazumdar** (India), **Mr. Tal** (Jordan), **Mr. Garcia** (United States of America), **Mr. Elji** (Syrian Arab Republic) and **Ms. Buergo Rodríguez** (Cuba), requested clarification as to which matter was being put to the vote, in order to avoid mistakes during the voting procedure.

35. **Mr. Longhurst** (United Kingdom) wondered why the European Union's opposition to the request of the Group of 77 and China for a waiver of rule 120 was being interpreted as a motion for no action or a motion to adjourn the debate pursuant to rule 116. The European Union was not seeking adjournment of the debate, but rather adherence to the 24-hour rule, to allow enough time to consider the proposal.

36. **Mr. Abelian** (Secretary of the Committee) explained that, although the Organization and its Member States frequently spoke of motions for no action, such motions were nowhere mentioned in the rules of procedure of the General Assembly. In referring to motions for no action, the Organization and Member States were simply referring to the adjournment of debate on a given item, as described in rule 116.

37. **Ms. Soni** (Canada) said that, on the basis of its experience in the First Committee, her delegation

believed that opposition to a waiver of rule 120 did not automatically lead to a motion for adjournment of the debate and a consequent vote, but rather to a 24-hour delay. It requested further clarification, and if possible a legal opinion, on the matter.

38. **Mr. Elnaggar** (Egypt), supported by **Mr. Elji** (Syrian Arab Republic), said he agreed that failure to distribute proposals sufficiently in advance, and subsequent requests for a waiver of rule 120, did not automatically lead to a vote for adjournment of the debate. He in fact believed that, if a vote took place, it was on whether or not the waiver should be granted.

39. **Mr. Abelian** (Secretary of the Committee) said that no representative of the Office of Legal Affairs was present in the room. The Fifth Committee was master of its own procedures, and could take what action it wished. The only guidance he could offer was based on the rules of procedure, which provided only for adjournment or closure of the debate on a given item, or for suspension or adjournment of the meeting.

40. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China and supported by **Ms. Bahemuka** (Kenya) and **Mr. Elnaggar** (Egypt), reiterated the Group's request that rule 120 of the rules of procedure of the General Assembly should be waived.

41. *A recorded vote was taken on the proposal to waive rule 120 of the rules of procedure of the General Assembly.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Bosnia and Herzegovina, France, Monaco, Russian Federation.

42. *The proposal to waive rule 120 was adopted by 80 votes to 34, with 4 abstentions.**

43. **The Chairman** invited the Committee to take action on the draft decision contained in document A/C.5/60/L.10, as orally revised.

44. **Mr. Garcia** (United States of America) requested a recorded vote on the draft decision.

45. **Mr. Simancas** (Mexico), speaking in explanation of vote before the voting, said that he intended to vote in favour of the draft decision but because it upheld the principle of multilingualism and because he was convinced of the need to give equitable treatment to all items on the agenda of the General Assembly. Indeed, the recent abandonment of that practice was the reason for the current difficulties facing the Fifth Committee.

46. Ideally, the Committee would have adopted the draft decision without a vote, but it was important to ensure that a lack of consensus did not amount to a de facto veto. His delegation was therefore prepared to resort to voting where necessary, but regretted that a vote had been required on the matter currently before the Committee.

47. **Mr. Elji** (Syrian Arab Republic), speaking in explanation of vote before the voting, said that he believed in the principle of multilingualism. Although he regretted that it had been necessary to resort to a vote, the draft decision must be adopted if the

* The representative of Botswana subsequently informed the Committee that he had accidentally voted on behalf of Bosnia and Herzegovina.

Committee was to have sufficient time to conclude its discussions on the proposed programme budget and the reform measures. He therefore urged all delegations to vote in favour of its adoption.

48. *A recorded vote was taken on draft decision A/C.5/60/L.10, as orally revised.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Monaco, Morocco, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

49. *The draft decision, as orally revised, was adopted by 81 votes to 34.**

50. **Mr. Garcia** (United States of America) expressed his disappointment at the action taken by the Committee.

51. **Mr. Yoo** Dae-jong (Republic of Korea) said that his delegation's vote had reflected its support for the Committee's customary method of work, which was to reach decisions by consensus. That method of work remained valid.

52. **Mr. Longhurst** (United Kingdom), speaking on behalf of the European Union, said he regretted that the Committee had resorted to a vote. Reconciling differences by putting forward proposals while efforts were still under way to seek a consensus was an unfortunate approach which went against the practice of the Committee. The European Union nevertheless hoped that all delegations would join it in undertaking to make progress on all issues as rapidly as possible.

53. **Mr. Iosifov** (Russian Federation) said he regretted that a vote had been taken. That did not encourage productive debate on the issues before the Committee, and had not been the preference of his delegation, which had believed until the last minute that a consensus could be reached. However, it had voted in favour of the draft decision in order to preserve the availability of conference services at an important stage in the Committee's work, and to preserve equality between the Organization's official languages. It urged the Committee to avoid consuming all the resources made available through the draft decision.

54. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, expressed deep regret at the action which the Committee had been forced to take, in a departure from its usual practice. Ever since the Group had first requested additional conference services two days previously, the coordinator of consultations on the issue had worked hard to develop a compromise, which the Group had accepted even though it fell short of its expectations. Those efforts, which the President of the General Assembly had also encouraged, had been met by an unfortunate and obstinate refusal.

55. **Ms. Stevens** (Australia) said that her delegation joined others in regretting the action just taken, but hoped that productive negotiations would follow. In that connection, she wondered how much longer the Committee would have access to conference services that evening.

* The representatives of Indonesia and the Bolivarian Republic of Venezuela subsequently informed the Committee that they had intended to vote in favour of the draft decision.

56. **Mr. Garcia** (United States of America) said that he wished to urge delegations to portray recent events accurately when they reported back to their capitals. The account he had just heard did not match his own recollection. In an attempt to arrange conference services for informal consultations on Saturday, 17 December 2005, wide-ranging discussions — encompassing the Group of 77 and China and others — had been conducted to draft a suitably worded proposal. That proposal had been rejected.

57. **Mr. Kozaki** (Japan) said that his delegation deeply regretted that the Committee had resorted to a vote, since that practice conflicted with the provisions of General Assembly resolution 41/213.

58. **Ms. Lock** (South Africa), expressing continued support for the principle of consensus that had always been the basis for the Committee's work, said that her delegation had voted in favour of the draft decision because of its concern that many issues had not yet been taken up. It would work with other delegations to ensure that all remaining decisions were adopted by consensus and as rapidly as possible. In that connection, it appealed to the Bureau to prepare a programme of work that would enable the Committee to make full use of the conference services available to it until the end of the session. It would also like to know whether a plenary meeting of the General Assembly was imminent.

59. **Ms. Buergo Rodriguez** (Cuba) said that her delegation could vouch for the accuracy of the description of events just given by the representative of Jamaica on behalf of the Group of 77 and China. The Committee secretariat, in failing to provide clear procedural advice since early that morning, had been responsible for the current unfortunate and avoidable situation. Her delegation had voted in favour of the draft decision because of the complicated situation facing the Committee, which should work diligently in an atmosphere of constructiveness, transparency and equal treatment between delegations to conclude the work before it.

60. **Mr. Elnaggar** (Egypt) said that his delegation was firmly committed to the principle of consensus and supported the statement of the representative of Jamaica on behalf of the Group of 77 and China regarding the day's events. Regretting that the Group had been forced to resort to a procedural decision in order to secure meeting time for the substantial volume of work still before the Committee, his delegation had voted in favour of the draft decision. It hoped that all remaining decisions could be reached by consensus, the established working method of the Committee, and wondered when it could expect the next plenary meeting of the General Assembly to begin.

61. **Mr. Abelian** (Secretary of the Committee) said that he had been informed that the plenary meeting of the General Assembly would begin 10 minutes after the meeting of the Fifth Committee was adjourned.

The meeting rose at 8.20 p.m.